

**MINUTES**  
**SANDY CITY COUNCIL MEETING**  
Sandy City Hall - Council Chamber Room #211  
10000 Centennial Parkway  
Sandy, Utah 84070

**March 25, 2008**

Meeting was commenced at 7:05 p.m.

**PRESENT:**

**Council Members:** Chairman Chris McCandless, Vice Chairman Scott Cowdell, Bryant Anderson, Steve Fairbanks, Linda Martinez Saville, Stephen Smith, and Dennis Tenney

**Mayor:** Tom Dolan

**Others in Attendance:** CAO Byron Jorgenson; City Attorney Walter Miller; Community Development Director Mike Coulam; Assistant Police Chief Ron Bullock; Fire Chief Don Chase; Assistant CAO Scott Bond; Planning Director James Sorenson; Planner Ray Lindenburg; Council Office Manager Pam Lehman; Council Executive Secretary Wendy Densley

**ABSENT/EXCUSED:**

Council Office Director Phil Glenn was excused; his wife is undergoing major knee surgery.

**1. OPENING REMARKS/PRAYER/PLEDGE:**

The Prayer was offered by Boy Scout Josh Adams of Troop #136, and the Sandy Fire Department led the flag ceremony and Pledge.

**2. SPECIAL PRESENTATION:**

**a. Todd Kiser – Metro Fire**

**Chief Don Chase** explained that this was a presentation from the Sandy Fireman's Association to **Representative Todd Kiser** for all his support and work he does on behalf of the Sandy City Fire Department. They presented Mr. Kiser with an axe from the Sandy City Fire Association.

**b. Citizen Award: Dave Carter**

**Mayor Dolan** presented **Dave Carter** with a Special Recognition Award from Sandy City.

**c. Oath of Office – New Fire Volunteers**

**Fire Chief Don Chase** introduced **Judge Donald Sawaya**, who performed the Swearing In process for new and volunteer Fire Fighters.

**3. CITIZEN(S) COMMENTS:**

**a. Ronald Myatt**, 8347 South 100 East, presented to the Council a petition signed by over 70 of the citizens living near 115 East. He reported that this petition is asking the Council to revisit the opening of 115 East. He explained that his number one concern is the safety of the citizens. He reported that the residents have been informed that it would make the neighborhood safer to have access for Emergency vehicles only. He explained that if the decision is made to open the road and it isn't wide enough, the taxpayers will have to pay to have the road widen. If there is a concern for safety, he asked that the City look into creating a cul-de-sac at the end of 115 East for a turnaround for Emergency vehicles.

**b. Dorothy Cavaness**, 123 East Pioneer Ave., explained that she lives on the corner of Pioneer and 115 East. She reported that she has lived in her historic home for some 43 years. She reported that a portion of her property was taken years ago for improvements to the road [curb and gutters] leaving a distance of seven feet from her house to the street. She reported that she has

had flying rocks from cars hit her windows. She feels that the seven foot distance from her home to the street is a safety issue not only to herself, but any person who visits her home. She feels that the City has an obligation to protect her historic home from damage caused by increased traffic in the area.

- c. **Lori Wilde**, 109 East Pioneer, explained that she lives on corner of 115 East and Pioneer Ave. She explained that she had the opportunity of taking a petition around to the surrounding neighbors, where many of them expressed concerns with traffic flows and the safety of the residents. She explained that the residents would like to see a cul-de-sac installed for emergency vehicles to turnaround in.
- d. **Bryan Scholle**, 8430 South 115 East, explained that he is opposed to the opening of 115 East. He reported that after speaking with the City Traffic Engineer, he believes some of the numbers that were presented on traffic counts on the street were inaccurate, and that he believed that the Engineer had no evidence to back up his estimates. He asked the Council to look into this issue more thoroughly, and try to find other alternates.
- e. **Corey Lomonaco**, 134 Pioneer Ave, explained he is opposed to the 115 East opening. His concerns are safety and extra traffic along 115 East and Pioneer Ave.; especially for those who walk and run on a regular basis. He believes that opening 115 East will only add more traffic to Pioneer Ave.
- f. **Joy Bates**, 8441 South 115 East, reported that she is opposed to the opening of 115 East. When there was a garden at the end of the street years ago, she explained that it was hard for neighbors to back out of drive ways due to traffic. She is worried that opening 115 East will increase traffic.

**PUBLIC HEARING(S):**

**4. Larsen Annexation**

**Public Hearing** to consider the annexation of property owned by Cari Larsen located at approximately 10425 South Dimple Dell Road. The area under consideration for annexation comprises approximately 0.86 acres. The City is considering annexing the property to the City with the R-12-40A Zone (single family residential on a minimum of 40,000 square foot lots, with animal rights). The intent of the requested annexation and zoning is to accommodate a proposed one lot subdivision. The lot will be one acre in size.

**Discussion:**

**James Sorenson** presented the proposed annexation to the Council.

**BACKGROUND**

Mr and Mrs. Larsen, are requesting annexation for property located at 10425 South Dimple Dell Road. The area under consideration for annexation comprises approximately .86 acres. The applicant is proposing to annex this property to the City and is requesting the R-1-40A Zone (single family residential on a minimum of 40,000 square foot lots with animal rights). The intent of the request is to accommodate a proposed subdivision on the property, which would create one new building lot in addition to the existing Larsen home. The new lot is proposed to be accessed from Dimple Dell Road.

The subject property is bordered on the north by the Autumn Hills Subdivision, on the east by the Boulders Subdivision, on the south by the Larsen property, and on the west by large lot properties across Dimple Dell Road in Salt Lake County.

**ANALYSIS**

The annexation is being considered by the City for the following reasons:

1. The area is **contiguous** to the Sandy City boundary (south and east).
2. The property is located within an area designated in the **Sandy City General Plan** for incorporation.
3. The City is presently providing culinary **water service** and **fire service** to this area.
4. The City can provide a high level of other **municipal services** to this property.

### **General Plan**

Portions of the **Sandy City General Plan** which relate to this application are as follows:

p.43 *Recognize that economics alone is not sufficient reason to alter established neighborhoods. Human and environmental impacts also should be recognized.*

p.44 *Require proposed zoning changes to be in harmony with established neighborhoods.*

### **Zoning**

The subject property is currently zoned R-1-21 in Salt Lake County. This zone allow single family dwellings on minimum 21,780 square foot lots with animal rights. Currently in Salt Lake County four horses are allowed per half acre.

The existing City zoning in the area includes R-1-40A to the south, and to the west is R-1-20. The requested zoning for the subject property is R-1-40A. The lot for the proposed one lot subdivision would need to comply with the 40,000 square foot minimum requirement for a standard subdivision and may also be subject to the requirements of the Sensitive Area Over-lay Zone. Review and approval of the proposed one lot subdivision will be subject to the City Council review and adoption of the annexation request.

### **STAFF RECOMMENDATION**

It is recommended that the Larsen Annexation be approved and zoned R-1-40A based upon the following findings:

1. The area is **contiguous** to the Sandy City boundary (south and east).
2. The property is located within an area designated in the **Sandy City General Plan** for incorporation.
3. The City is presently providing culinary **water service** and **fire service** to this area.
4. The City can provide a high level of other **municipal services** to this property.

R-1-40A Zone is appropriate for the property based upon surrounding zoning and land uses.

**Chairman McCandless opened the public hearing. As there were no comments, Chairman McCandless closed the hearing.**

**Motion:** Dennis Tenney made a motion to accept and approve the Larsen Annexation as recommend and presented by staff.

**Second:** Steve Smith

**Vote:** Smith – Yes, Anderson- Yes, Fairbanks- Yes, Cowdell- Yes, Tenney- Yes, Saville- Yes, McCandless- Yes

**Motion Approved:** All members voted yes.

### **5. Burger Annexation**

**Public Hearing** to consider the annexation request of Jeff Burger for property located at approximately 11400 South 1625 East. The area under consideration for annexation comprises of approximately 1.08 acres. The City is considering annexing the property to the City with the R-1-20A

Zone (single family residential on a minimum of 20,000 square foot lots, with animal rights). The intent of the requested annexation and zoning is to accommodate a proposed two lot subdivision. The lots will each be a minimum of ½ acre in size. This two lot subdivision is proposed to be accessed from 11400 South.

**Discussion:** James Sorenson presented the proposed Annexation to the Council.

## **BACKGROUND**

Mr. Jeff Burger, who represents ROI Development is requesting annexation for property located at 11400 South 1625 East. The area under consideration for annexation comprises approximately 1.08 acres. The applicant is proposing to annex this property to the City and is requesting the R-1-20A Zone (single family residential on a minimum of 20,000 square foot lots with animal rights). The intent of the request is to accommodate a proposed subdivision on the property, which would create two new building lots, once the existing home was demolished. The new lots are proposed to be accessed from 11400 South.

The subject property is bordered on the north by the Red Feather Estates PUD Subdivision, on the east by a large lot single family dwelling in Salt Lake County, on the south by large lot properties across 11400 South in Salt Lake County, and on the west by Ida's Acres Subdivision.

## **ANALYSIS**

The annexation is being considered by the City for the following reasons:

1. The area is **contiguous** to the Sandy City boundary (north and west).
2. The property is located within an area designated in the **Sandy City General Plan** for incorporation
3. The City is presently providing culinary **water service** and **fire service** to this area.
4. The City can provide a high level of other **municipal services** to this property.

## **General Plan**

Portions of the **Sandy City General Plan** which relate to this application are as follows:

p.43 *Recognize that economics alone is not sufficient reason to alter established neighborhoods. Human and environmental impacts also should be recognized.*

p.44 *Require proposed zoning changes to be in harmony with established neighborhoods.*

## **Zoning**

The subject property is currently zoned A-2 in Salt Lake County. This zone allow single family dwellings on minimum 43,560 square foot lots with animal rights. Currently in Salt Lake County four horses are allowed per half acre.

The existing City zoning in the area includes PUD(6) and R-1-8 to the north, to the west is R-1-20A, to the south is R-1-20A and R-1-10. The requested zoning for the subject property is R-1-20A. The lots for the proposed two lot subdivision would need to comply with the 20,000 square foot minimum requirement for a standard subdivision. Review and approval of the proposed two lot subdivision will be subject to the City Council review and adoption of the annexation request.

## **STAFF RECOMMENDATION**

It is recommended that the Burger Annexation be approved and zoned R-1-20A based upon the following

findings:

- a. The area is **contiguous** to the Sandy City boundary (north and west).
- b. The property is located within an area designated in the **Sandy City General Plan** for incorporation.
- c. The City is presently providing culinary **water service** and **fire service** to this area.
- d. The City can provide a high level of other **municipal services** to this property.
- e. R-1-20A Zone is appropriate for the property based upon surrounding zoning and land uses.

**Chairman McCandless opened the public hearing.**

**Jeffery Burger**, 2671 Summer Downs Court, Draper, property owner, explained that they initially wanted the R-1-20A zone, but after hearing the recommendations from Planning Staff, he is happy with the R-15-A zone.

**Chairman McCandless closed the public hearing.**

**Steve Smith** asked James Sorenson if the reason Staff recommended going from an R-1-20A zone to a R-1-15 A zone was due to a portion of the property needed for a street dedication to access the back portion of the property. Mr. Smith asked if it was anticipated that a smaller lot without animal rights would be placed on the front portion of the property.

**James Sorenson** reported that even with the street dedication, the road would need to come in from the County side into Sandy City on the frontage road on 114<sup>th</sup> South. He explained that it may be that neither of these lots would have animals, but they wanted the option to do so.

**Motion:** **Dennis Tenney made a motion to approve the Burger Annexation and designate the R-1-15A Zone as the approved zoning in acceptance of the recommendation of Planning Commission and in concurrence with Staff.**

**Second:** **Steve Smith**

**Vote:** **Anderson – Yes; Smith – Yes; Cowdell – Yes; Saville – Yes; Fairbanks – Yes; Tenney – Yes; McCandless – Yes.**

**Motion Approved: All members voted yes.**

**6. Residential R-2- Districts**

**Public Hearing** to consider the following: A Code Amendment to Section 15-03-03, Residential Building Setbacks, Building Heights, Required Off Street Parking Matrix, and Section 15-05-02, Permitted Land Use Matrix by Residential, Civic, or Open Space Zones related to the R-2-8 and R-2-10 Residential Zoning Districts, Title 15, Land Development Code, Revised Ordinances of Sandy City. The proposed code amendment is to allow multi-family dwellings as a permitted use in both the R-2-8 and R-2-10 Zoning Districts. Also, the amend the setbacks for corner lots within the Residential R-2-8 Zoning District.

**Discussion:** **James Sorenson** gave a presentation on the proposed Code Amendment.

**BACKGROUND**

The Sandy City Community Development Department has filed a request with the Sandy City Council via the Planning Commission to consider an amendment to Section 15-03-03, Residential Building Setbacks, Building Heights, and Required Off-Street Parking, and Section 15-05-02 (B), Permitted Land Use Matrix by Residential, Civic, or Open Space Zones.

**PROPOSAL**

It is proposed to amend Section 15-03-03, Residential Building Setbacks, Building Heights, and Required Off-Street Parking, and Section 15-05-02 (B), Permitted Land Use Matrix by Residential, Civic, or Open Space Zones.

Currently, the Residential Building Setbacks requires the Rear-Corner lot of a R-2-8 Zone to comply with the 20-foot setback. Also, the present allowable use under R-2-8 and R-2-10 sets a Duplex Dwelling as a Conditional Use under the current Development Code.

It is proposed under Section 15-03-03 – Residential Building Setback, Building Heights, Required Off-Street Parking of the Land Use Development Code, the setback requirement be changed with consideration to the requirement of the Rear- Corner Lot from its current regulation of 20 feet to the proposed amended setback of 15 feet for the R-2-8 Zone.

Current Ordinance Requirement:

	R-1-40	R-1-30	R-1-20	R-1-15	R-1-12	R-1-10	R-1-9	R-1-8	R-1-8INF	R-1-6	R-2-10	R-2-8
Rear - Corner lot	30	30	30	25	25	25	20	15	15	15	20	20

Proposed Ordinance Requirement:

	R-1-40	R-1-30	R-1-20	R-1-15	R-1-12	R-1-10	R-1-9	R-1-8	R-1-8INF	R-1-6	R-2-10	R-2-8
Rear - Corner lot	30	30	30	25	25	25	20	15	15	15	20	15

It is also proposed under Section 15-05-02 (B) – Permitted Land Use Matrix by Residential, Civic, or Open Space Zones, a Duplex Dwelling under the zones of R-2-8 and R-2-10, be amended from a Conditional Use allowance to a Permitted Use.

Current Permitted Land Use:

Land Use Category	R-1-40	R-1-30	R-1-15	R-1-10	R-1-9	R-1-8	R-1-8INF	R-1-7.5(HS)	R-1-6	R-2-10	R-2-8	RM	MH	OS	PUD
Dwelling, Duplex	N	N	N	N	N	N	N	N	N	C	C	C	N	N	C

Proposed Permitted Land Use:

Land Use Category	R-1-40	R-1-30	R-1-15	R-1-10	R-1-9	R-1-8	R-1-8INF	R-1-7.5(HS)	R-1-6	R-2-10	R-2-8	RM	MH	OS	PUD
Dwelling, Duplex	N	N	N	N	N	N	N	N	N	P	P	C	N	N	C

## ZONING HISTORY

In the amended ordinance of the Land Use Development Code in 1980 the corner-lot setback required a 15-foot setback, which was later changed to the current 20-foot requirement. The proposed revisit of the 15-foot setback is consistent with the R-1-8 Zone. The R-1-8 Zone is similar to the R-2-8 Zone in that each has the same allowed square footage and width to the lots within that Zone. By changing the setback these two Zones will be more consistent with each other.

Presently, in Sandy City's Zoning Inventory there are 3 locations within City boundaries within the R-2-8 Zone. The R-2-10 Zone currently encompasses 6 locations within Sandy City according to the Inventory.

## NON-CONFORMING USES

Within the R-2-8 and R-2-10 Zones encompasses a total of 108 lots 18 of which are corner lots. Each of the corner lots are in compliance with the current Land Use Development Code and would therefore not create any non-conforming uses within Sandy City, as the proposal would decrease the rear-corner lot setback. Also, the proposed amendment would change any currently allowed Conditional Use Permits to a Permitted Use.

## LAND DEVELOPMENT CODE PURPOSE COMPLIANCE

The Sandy City Land Development Code in Section 15-01-03 lists the nine criteria explaining the intent and purpose of the Ordinance. The purpose and criteria are:

### 15-01-03 Purpose

This Code shall establish Zone Districts within Sandy City. It shall provide regulations within said districts with respect to the use, location, height of buildings and structures, the use of land, the size of lots, yards and other open spaces, and the density of population. This Code shall provide methods of administration and enforcement and provide penalties for the violation thereof. It shall establish boards and commissions and define their powers and duties. It shall also provide for planned development within Sandy City. Specifically, this Code is established to promote the following purposes:

#### General

1. To enhance the economic well-being of Sandy City and its inhabitants;
2. To stabilize property values;
3. To facilitate adequate provision for transportation, water, sewage, schools, parks and other public requirements;
4. To facilitate the orderly growth and development of Sandy City;

#### Implementation of General Plan

5. To coordinate and ensure the execution of the City's General Plan through effective implementation of development review requirements, adequate facility and services review and other goals, policies or programs contained in the General Plan.

**Comprehensive, Consistent and Equitable Regulations**

6. To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.

**Efficiently and Effectively Managed Procedures**

7. To promote a fair procedure that is efficient and effective in terms of time and expense;
8. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed and elected officials; and
9. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

The purpose of Residential Districts – Duplex or Twin Home Residence is:

**15-03-02 – Residential Districts – Duplex or Twin Home Residence - Purpose**

The Residential R-2 Districts are established to provide a residential environment within Sandy City that is characterized by slightly higher densities than single family districts, single family housing interspersed with two-family housing, a variety of housing sizes, a minimum of vehicular traffic, and quiet residential neighborhoods favorable for family life.

The proposed adoption of the amended setback and allowable land uses for the R-2-8 and R-2-10 Districts will help facilitate the orderly growth and development of Sandy City as well as to establish a system of fair, comprehensive, consistent and equitable regulation standards and procedures for review and approval of all proposed land development within the City.

**GENERAL PLAN COMPLIANCE**

The General Plan encourages appropriate development standards for all uses of zoning categories within Sandy City. Inclusive in providing for R-2 Districts, Sandy City is providing the option of a variety of housing to meet the needs of people desiring to live within the Sandy Community.

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendments as shown in Exhibit "A" and Exhibit "B", for the following reasons:

1. The proposed amendments are consistent with the Criteria and Purpose of the Land Development Code.
2. The proposed amendments are consistent with the Purpose of Duplex or Twin Home Residential Districts.
3. The Proposed Amendments are consistent with the Goals and Policies of the General Plan.

**Chairman McCandless opened the public hearing for comments. Chairman McCandless then closed the public hearing as there were no comments.**

**Motion:** Dennis Tenney made a motion to accept the recommendations of staff and Planning Commission and approve the proposed zone change as recommended.

**Second:** Bryant Anderson

**Vote:** Smith – Yes, Anderson- Yes, Fairbanks- Yes, Cowdell- Yes, Tenney- Yes, Saville- Yes, McCandless- Yes

**Motion Approved:** All members voted yes.



7. **Conditional Use Appeal: Kraig Lodge 9159 South Winter Wren Drive**

**Discussion:** Ray Lindenburg gave a power point presentation summarizing the history of the Kraig Lodge Conditional Use.

**BACKGROUND**

Mr. Kraig Lodge, owner of property located at 9159 S. Winter Wren Drive, has previously filed an application for approval of a Conditional Use Permit to allow an accessory structure larger than the Sandy City Development Code allows.

The **originally-proposed garage** is irregularly-shaped (see attached plans) and has a **937-square foot footprint** (the maximum allowed with a Conditional Use Permit). The height of the structure was **proposed to be 18 feet, 6 inches**, which is over the permitted height for an accessory structure without a Conditional Use Permit, but within the limits established when a Conditional Use Permit is granted.

The subject property is approximately 0.36 acres (15,769 square feet). It is an interior lot with frontage on Winter Wren Drive. Single family homes surround the property on all sides. There is an existing 7-foot Public Utility Easement along the rear (north) property line. The applicant proposes to build outside of this easement.

**On July 20, 2007, the Sandy City Planning Commission approved the Conditional Use Permit for the structure with the conditions attached that the square footage be limited to 937-square feet and the height to the peak of the roof be limited to 15 feet.**

Construction of the structure commenced in the intervening months. Recently, it was determined that an error had been made in the construction of the roof trusses and the peak height of the building is **currently 16 feet, 8 inches - 1 foot, 8 inches higher than allowed by the approved Conditional Use Permit**. Consequently, the applicant is requesting that the condition limiting the height of the structure to 15 feet **be amended to allow for the as-built structure at approximately 16 feet, 8 inches**.

**ANALYSIS**

The applicant is requesting approval to build a detached garage larger in size than allowed by the Sandy City Development Code. Section **15-05-04(F)(2)(a) of the Sandy City Development Code** states:

- a. For residential zones with a designation of R-1-15 or smaller (e.g., R-1-10, R-1-9, etc.) or their equivalent (e.g., SD(R-1-10)), no accessory building shall exceed twenty-five percent [25%] of the rear yard or 750 square feet, whichever is less.
- b. EXCEPTION: A building **may be built up to twenty-five percent [25%] larger than the permitted size upon receipt of a Conditional Use Permit** from the Sandy City Planning Commission, pursuant to Section 15-24, Conditional Uses. The Planning Commission shall consider the scale of the building in relation to the immediate surroundings, the nature of the zone and land uses in the immediate vicinity, architectural design, landscaping, access, proposed use, impact upon adjacent properties, in addition to other criteria normally considered during the conditional use permit process.

The Planning Commission may allow an **accessory structure to be built up to 937 square feet in size or no more than 25% of an applicant's backyard, whichever is less** with a Conditional Use Permit. The proposed accessory structure meets both of these criteria.

Screening of the structure consists primarily of the existing 6 foot tall fence along the applicant's property lines. A proposed landscaping plan (attached) shows a variety of plants and landscaping material designed to

soften the impact of the structure as well. The structure will be visible to the street, but does not appear to be an undue impact due to the height of the home located in front of the structure.

While the subject property is located in an R-1-8 Zone, it should be noted that the property is nearly double the size of the minimum lot size at 15,769 square feet. Staff feels that this mitigates the impact of the size of the structure on adjacent properties.

The Development Code **requires that an accessory structure match the materials and aesthetics** of the main structure on the property (Section 15-05-04(F)(4)(b)). **Final colors and materials including siding and roofing materials should be compatible with the existing home.**

**Compliance with Section 15-05-07(D) Conditional Use Permit**

Staff response in *italics*.

**D. Conditions.** In order to achieve compliance with the standards set forth herein, the City may impose conditions which address:

1. Size, configuration and location of the site and the proposed site plan layout;  
*Site plan is consistent with similar residential properties.*
2. Proposed site ingress and egress to existing and proposed roads and streets;  
*No change.*
3. The adequacy, provision, relocation or protection of public facilities and amenities, including roads and streets, culinary water, secondary water, sanitary sewer, storm drainage, public safety and fire protections, and other utilities;  
*Not applicable.*
4. Design, location and amount of off-street parking, loading areas and solid waste disposal and collection areas;  
*No change.*
5. Site circulation patterns for vehicular, pedestrian and other traffic;  
*Not applicable.*
6. Mass, size, number, location, design, exterior features, materials, and colors of buildings, structures and other facilities;  
*The proposed structure is required to closely match the proposed exterior of the single-family residence on the property.*
7. The location and design of all site features, including proposed signage, lighting, and refuse collection;  
*Existing site features are compatible with existing neighboring properties.*
8. The provision of useable open space, public features, and recreational amenities;  
*Not applicable.*
9. Fencing, screening and landscape treatments and other features designed to increase the attractiveness and safety of the site and protect adjoining property owners from noise, visual and other impacts;  
*A 6-foot solid fence surrounds the rear yard of the property..*

10. Measures directed at minimizing or eliminating possible nuisance factors including, but not limited to noise, vibrations, smoke, dust, dirt, debris, plant materials, odors, gases, noxious matter, heat, glare, electromagnetic disturbances, and radiation;  
*Not applicable.*
11. Measures designed to protect the natural features of the site, including wetlands and drainage ways, ground water protection, soils, wildlife and plant life;  
*No negative impacts anticipated.*
12. The regulation of operating hours for activities affecting normal schedules and functions;  
*Not applicable.*
13. Identifying a time for regular review and monitoring, as determined necessary, to ensure the use continues to operate in compliance with all conditions and requirements of approval;  
*To be reviewed upon legitimate complaint.*
14. Measures to ensure compliance with all conditions and requirements of approval including but not limited to bonds, letters of credit, improvement agreements, agreements to conditions, road maintenance funds, restrictive covenants;  
*None required.*
15. Such other conditions determined reasonable and necessary by the City to allow the operation of the proposed conditional use, at the proposed location in compliance with the requirements of this Code.

**Chairman McCandless opened the public hearing for comments.**

- a. **Kraig Lodge**, 9159 S. Winter Wren Drive, explained that the wall height was the main offense to the one neighbor who is concerned with the garage. He explained that the reason why the garage was moved forward was due to the outcry from the surrounding neighbors. He reported that he hired a professional landscaper to come in and create a drawing on what would work best for his yard, and to help calm the surrounding neighbors. He explained that he understands the neighbors' concerns, and admitted that he made an error on the height of the garage, but that it was not done intentionally. He feels that the difference in height is very minimal and would not compensate for the financial loss if he's required to lower the peak on the garage especially when one can barely see a difference anyway. He apologized to the one neighbor whose view is obstructed.
- b. **Debbie Rogerson**, 9153 Winter Wren Drive, explained that she is Mr. Lodge's direct west neighbor, whose view is obstructed by the garage. She reported that she was at the Planning Commission meeting regarding Mr. Lodge's Accessory building. She reported that the Planning Commission's decision was that Mr. Lodge made a choice rather than an error, and was told that if he was to move forward he would need to appeal the Planning Commission's decision to the City Council. She explained that she signed the agreement on the structure when it was going to be placed in the back of Mr. Lodge's yard. She was also told that the garage would be moved forward 20 feet, and now questions if the measurement was accurate. She feels that it was more than 20 feet, and that it is much closer to her house than expected. She reported that the biggest obstruction is the 4 foot wall on top of the garage, not the peak. If Mr. Lodge would not have extended the wall by some four feet, she wouldn't have a problem. This has obstructed her view of the mountains, and she questioned if this would affect the resale value of her home.
- c. **Conway Richards**, 2555 Partridge Way, explained that he lives directly east of Mr. Lodge's garage, and noted that he did not have a problem with the garage. He stated that he believes that people have rights to build on their own property. He noted that he did lose some of his view, but that the view didn't come as part of the deed to his property. He noted that the additional height to the wall, which was Ms. Rogerson's main concern, was not the issue, rather the pitch on the roof of the garage. He does not believe that by reducing the pitch of the roof would substantially change or benefit any of the neighbors.
- d. **Scott Matafusko**, 2571 E. Partridge Way, explained that he lives behind this structure. He feels that Mr. Lodge made every possible effort to do the best that he could in building this structure. Mr. Matafuski stated

“Unfortunately, he cannot please everyone”. He doesn’t believe that taking 18 inches off the roof will make that big of a difference. He reported that when Mr. Lodge purchased his home, it was in need of great repair. Mr. Lodge has put time and effort in fixing up his home.

- e. **Margo Lodge**, 9159 Winter Wren Drive, explained that they bent over backwards, and hired a landscape architect to try and help alleviate the issues surrounding the building of their garage . She explained that Ms. Rogerson’s claim that the garage has a loft is not true. The area above the garage will be used as a storage area. She explained that she rarely sees Ms. Rogerson in her backyard enjoying the Mountain View. However, she explained that she is sensitive to Ms. Rogerson and her concerns.

**Council comments:**

**Scott Cowdell** asked how the structure gained a foot and half when they moved it forward.

**Kraig Lodge** explained that the error occurred when they started framing the upper portion of the structure. In reviewing the codes, Mr. Lodge took it as meaning 16 feet to the mid-point of the rafter. He stated that he did make a conscious decision to raise it for adequate head room for storage.

**Scott Cowdell** asked Mr. Lodge if he thought that the 15 ½ feet was at mid roof.

**Mike Coulam** explained that they used to measure to the mid-point of the roof, now they measure to the peak.

**Kraig Lodge** explained that there wasn’t a specific discrepancy of the code, it was how he looked at it and determined what the code was and how it applied. That was his error, and he was in contact with Staff the entire time. He explained that this structure is less than 5 sheets of plywood away from the final framing inspection, and then he can start to finish the outside.

**Scott Cowdell** asked if the peak could be engineered to see how far down the truss would need to be cut, if the Council decides to have him lower the peak.

**Kraig Lodge** reported that the roof that is installed would be of no use if he was required to lower the peak. With all of the building requirements and how the structure is built, none of the lumber could be salvaged.

**Dennis Tenney** explained that he was the Planning Commission Liaison, and was present at the meeting when the Planning Commission determined to have Mr. Lodge lower the peak. He feels that the Planning Commission made an error in their decision. Mr. Tenney stated that he believes the applicant bent over backwards to be sensitive to the neighbors, and complied with the code. Mr. Lodge owned up to making the peak higher. Mr. Tenney stated that the 1 foot 8 inches was not going to make a difference, and explained that he would make a motion to overturn the Planning Commission’s decision. The cost for the change outweighs the decision of the Planning Commission. He felt that this was a judgment call, and that it is in the Council’s legal authority to overturn the Planning Commission’s decision.

**Bryant Anderson** asked if the garage was taller than his house.

**Ray Lindenburg** reported that he estimates that Mr. Lodge’s house would be a few feet taller than the garage.

**Steve Smith** asked if Staff was ok with the height of the side walls, and would Staff be ok with a flat roof on this structure. He reported that he sympathizes greatly with the applicant, but he was very hesitant and reluctant to overturn the Planning Commission’s decision. He believes that the Planning Commission members are better judges as to how the code should be applied. He doesn’t feel that his personal opinion is enough to override what the Planning Commission determined in their deliberations. He did not believe that the Council has been presented with any new information to overturn the Planning Commission’s decision.

**Ray Lindenburg** reported that the garage would need to match or complement all existing structures on the property. He explained that the side wall has never been in question. When Mr. Lodge presented his original plan, the walls were higher in order to have a taller garage door.

**Steve Fairbanks** feels that this was an unfortunate mistake. He felt that lowering the peak of the roof would make the structure very unpleasant to look at, and that the height of the peak would have minimal impact to the neighbors. However, he agreed with Mr. Smith's comments, and also could not see where there was a procedural error on the Planning Commission's part. He could see no reason to overturn the Planning Commission's decision.

**Dennis Tenney** asked Mike Coulam if it was correct that at least two of the Planning Commission members who voted to deny this conditional use, did not attend the tour of the property.

**Mike Coulam** explained that prior to the Planning Commission meeting, a tour was held of the properties discussed at the meeting. He explained that 3 of the Commissions who were on the tour voted to approve the request, and the 4 who did not attend the tour voted against the request.

**Linda Martinez-Saville** reported that after she read the e-mail that was received from the surrounding neighbors, it appeared to her that the neighbors were ok with the structure. She explained that if it was an enormous amount of height difference, she would be voting no, but after reading the letters and the presentations, she agrees with Dennis.

**Scott Cowdell** stated that he was still confused as to who made the error.

**Ray Lindenburg** explained that the error happened when the building was built to the wrong height. A stop work order was implemented when the Planning Department discovered the error.

**Chris McCandless** stated that there are no winners in this situation; He stated that if we decide to lower the peak to a ridiculous level, it would damage the value of the existing home. If we approve the garage as it is currently built, it is in violation. If we don't overturn the Planning Commission's decision, then we will have an unsightly building if the peak is removed, which will have a negative impact on the neighborhood. Mr. McCandless stated that he believes that the Planning Commission erred in their decision based on the negative impact it will have on the neighborhood if the peak is lowered. Mr. McCandless stated that he would be voting in favor of Dennis Tenney's motion, with all due respect for the Planning Commission.

**Motion:** **Dennis Tenney made the motion to overturn the decision of the Planning Commission, and to allow the Conditional Use for the Kraig Lodge Accessory Structure to stand, and that the structure be completed as built with the 16 foot 8 inches peak, based on the fact that**  
**1. The impact is minimal**  
**2. Requiring the applicant to reduce the structure would perceivably be a greater impact on the neighborhood**  
**3. The cost for requiring the applicant to reduce the peak is substantially out of balance to the error of the additional height.**

**Second:** **Linda Martinez-Saville**

**Comment on the motion:**

**Bryant Anderson** reported that he was going to vote for leaving the structure the way it is, because he simply feels that it is the best solution.

**Vote:** **Anderson – Yes; Smith – No; Cowdell – Yes; Saville – Yes; Fairbanks – No; Tenney – Yes; McCandless – Yes.**

**Motion Approved: 5 members voted yes, 2 voted no.**

**COUNCIL ITEMS(S):**

**8. Designating April 2008 as National Fair Housing Month**

**Resolution #08-21C** – designating April 2008 as National Fair Housing Month and urging the support and attention of community leaders and citizens.

**Motion:** **Steve Smith made a motion to approve Resolution #08-21C designating April 2008 as National Fair Housing Month and urging the support and attention of community leaders and citizens.**

**Second:** **Dennis Tenney**

**Vote:** Anderson - Yes, Tenney- Yes, Cowdell – Yes, Smith – Yes, Saville- Yes, Fairbanks- Yes,  
McCandless – Yes

**Motion Approved:** all members voted yes

**9. Home Occupations Generating Excessive Traffic**

**Ordinance #08-09** – amending Section 15-13-14(F)(2)(g), “Home Occupations Generating Excessive Traffic”.

**Motion:** Steve Smith made a motion to adopt Ordinance #08-09 amending Section 15-13-14(F)(2)(g),  
“Home Occupations Generating Excessive Traffic”.

**Second:** Dennis Tenney

**Vote:** Anderson - Yes; Smith – Yes; Cowdell – Yes; Saville – Yes; Fairbanks – Yes; Tenney – Yes;  
McCandless – Yes.

**Motion Approved:** All members voted yes.

**10. ReAL Salt Lake Rezoning II**

**Ordinance #08-08** – rezoning approximately 3.4 acres from the PUD (8) “Residential District” to the RC  
“Regional Commercial District”, located at approximately 91 West 9000 South.

**Motion:** Dennis Tenney made a motion to adopt Ordinance #08-08 rezoning approximately 3.4 acres  
from the PUD (8) “Residential District” to the RC “Regional Commercial District”, located at  
approximately 91 West 9000 South.

**Second:** Steve Smith

**Vote:** Anderson - Yes, Tenney- Yes, Cowdell – Yes, Smith – Yes, Saville- Yes, Fairbanks- Yes,  
McCandless – Yes

**Motion Approved:** All members voted yes.

**11. Multi Jurisdictional Mutual Aid Fire and Emergency Medical Services Agreement**

**Resolution #08-23C** – authorizing the execution of an Interlocal Cooperation Agreement between the cities  
of Bluffdale, Lehi, Midvale, Murray, Salt Lake City, Saratoga Springs, South Salt Lake, South Jordan, West  
Jordan, and West Valley; Tooele County; and the United Fire Authority, Park City Fire District, and South Davis  
Fire District for Multi Jurisdictional Mutual Aid Fire and Emergency Medical Services.

**Motion:** Steve Smith made a motion to adopt Resolution #08-23C authorizing the execution of an  
Interlocal Cooperation Agreement between the cities of Bluffdale, Lehi, Midvale, Murray, Salt  
Lake City, Saratoga Springs, South Salt Lake, South Jordan, West Jordan, and West Valley;  
Tooele County; and the United Fire Authority, Park City Fire District, and South Davis Fire  
District for Multi Jurisdictional Mutual Aid Fire and Emergency Medical Services.

**Second:** Dennis Tenney

**Vote:** Anderson – Yes; Smith – Yes; Cowdell – Yes; Saville – Yes; Fairbanks – Yes; Tenney – Yes;  
McCandless – Yes.

**Motion Approved:** All members voted yes.

**12. Interlocal Agreement – School District Cost Sharing**

**Resolution #08-17C** – authorizing the execution of an Interlocal Cooperation Agreement between  
Cottonwood Heights, Draper, Midvale, and Sandy for Cost Sharing.

**Motion:** Dennis Tenney made a motion to adopt Resolution #08-17C authorizing the execution of an  
Interlocal Cooperation Agreement between Cottonwood Heights, Draper, Midvale, and Sandy  
for Cost Sharing.

**Second:** Bryant Anderson

**Vote:** Anderson - Yes, Tenney- Yes, Cowdell – Yes, Smith – Yes, Saville- absent, Fairbanks- Yes,  
McCandless – Yes

**Motion Approved:** 6 members in favor, 1 member absent.

**13. Funds Transfer: Contingency Fund – Legal Fees School District [\$42,500]**

**Resolution #08-22C** – increasing total appropriations within the General Fund.

**Motion:** Steve Fairbanks made a motion to adopt Resolution #08-22C increasing total appropriation

**within the General Fund, to cover the contingency of the Legal Fees for the new School District.**  
**Second: Steve Smith**  
**Vote: Anderson – Yes; Smith – Yes; Cowdell – Yes; Saville – absent; Fairbanks – Yes; Tenney – Yes; McCandless – Yes.**

**Motion Approved: 6 members in favor, 1 member absent**

**MINUTES:**

**14. Approving the March 4, 2008, and the March 11, 2008 City Council Meeting Minutes.**

**Motion: Dennis Tenney made a motion to approve the March 4, 2008 and the March 11, 2008 City Council Meeting Minutes as written.**

**Second: Steve Smith**

**Vote: The Council voted in the affirmative to the motion**

**All in Favor.**

**15. MAYOR'S REPORT:**

- a. Mayor Dolan** reported on the progress for the new school district. He reported that the meetings held with members from the School Teachers Association, and the classified employees went very well. A commitment was made by the three transitioning school board members that the relationship between all of these entities will continue to be strengthened.
- b. Mayor Dolan** reported on a presentation for a proposed development next to the ReAL stadium. The development would bring two hotels to the site, and would include an indoor water theme park with retail shopping and restaurants. This would be located on the east side near the old Ardell Brown property.
- c. Mayor Dolan** stated that he would like to schedule a tour with the Council of the ReAL soccer stadium for sometime in the merry month of May.
- d. Mayor Dolan** reported that during next Tuesday's Council Meeting, the Planning Commission and City Council members will have a presentation from the development group for the proposed theater project. Each household in the City will be receiving a brochure explaining the proposed project. A press conference is also scheduled for Tuesday, along with an open house on Wednesday. Mayor Dolan reported that this will be a spectacular project which will put Sandy on the map.

**16. COUNCIL OFFICE DIRECTOR'S REPORT**

- a. No Report was given. Phil Glenn was excused.**

**17. OTHER COUNCIL BUSINESS:**

- a. 115 East – East Town Village Connection – The following is a verbatim transcription ..... Unintelligible**

**Scott Cowdell :** I'll make a motion that we send it back to the Planning Commission to review their decision on opening 115 East in light of the misinterpretation of the minutes.

**Steve Smith:** Can I second, and then propose a couple of amendments?

**Chris McCandless:** I think that would be appropriate if you have a question or two.

**Steve Smith:** I don't know if we got the language.....

**Chris McCandless:** Don't we have a second on that motion?

**Steve Smith:** I just don't know Wally if we got the language right, we're not sending it back, we're recommending that they, or we're requesting that they re-review their decision on 115 East; would that be more appropriate...

**Wally Miller:** There's a whole range of what you can do, but , you could ask them to review it or you could just send this to them for their information, let them decide themselves, either way, but you are asking

that they, you are actually requesting them to review it in light of your new information.

**Scott Cowdell:** Review it in light of the new information, the mis..., I think it was probably a misinterpretation, hopefully they didn't ignore it, but, hopefully you know that it was a misinterpretation.

**Steve Smith:** And, and if I may Mr. Chair, just add a couple of particular points?

**Chris McCandless:** Is this an amendment to the motion?

**Steve Smith:** Yes, this is part of my amendment, but the first amendment was to make sure that we had the verbiage right as far as, as to whether we are directing or instructing them to do something, which we're not.

**Chris McCandless:** And I'm going to ask you then in your amendment to the motion that you include that change in the verbiage so we don't have two amendments going on at the same time.

**Steve Smith:** O.K., so my amendment would be to Scott's motion that we request the Planning Commission review their decision to open 115 East, and to particularly look at the mitigating factors for granting the conditional use, and additional mitigations should closure not be an option; those factors would be:

1. To examine the potential of turning 115 East into a one way northbound street.
2. That they would take a look at the safety issues surrounding the site triangles at the intersection of 115 East and Pioneer southbound, with the homes encroaching as close to the street as they are. I believe that poses a particular safety issue to southbound traffic.
3. That they consider parking only on one side of the street
4. Consider improvements that Scott spoke about earlier that may be necessary to 115 East, considering whether doing those only on one side of the street so as to reduce the amount of property that would need to be taken for those improvements.
5. To consider the applicability or the appropriateness of a choke point at the property line between the current 115 East and the new project to narrow that down so that would restrict two way traffic
6. To give some consideration to developer participation and offsite improvements. That may or may not be appropriate at this point of the game. It seems that at least some of the costs are being necessitated by the development and it would be appropriate for the developer to participate in mitigating those costs.

**Chris McCandless:** Mr. Smith. Are you making all those as suggestions?

**Steve Smith:** Yes, suggestions for them to look at as they review their...

**Dennis Tenney:** And Steve, would you also consider an additional amendment as a suggestion to the Planning Commission, that they look at whatever traffic calming mitigating devices can be used to mitigate the impact on 115 East.

**Steve Smith:** "Certainly".

**Dennis Tenney:** O.K. I'll second Steve's amended motion.

**Chris McCandless:** Any further discussion on the amended motion? Roll Call Vote....

**Mr. Smith – Yes, Mr. Tenney- Yes, Mr. Anderson – Yes, Mr. Cowdell- Yes, Mr. Fairbanks- Yes, Mr. McCandless – Yes.**

**Chris McCandless –** We have a motion on the floor by Scott Cowdell. That vote was on the amendment to the motion, now we are voting on the motion itself. We have the motion from Scott Cowdell and a second from Steve Smith... Roll Call Vote....

**Dennis Tenney:** And restating the motion just so that I understand it clearly..... the Chair's suppose to do that.



**Chris McCandless:** “ Good Luck”!

**Dennis Tenney:** That is why you are the chair....

**Chris McCandless:** Scott, would you restate that motion please?

**Scott Cowdell:** The motion would be simply that the Planning Commission reconsiders their decision based on the motion that was sent from the Council in the earlier.....

**Chris McCandless:** The new information, the corrected minutes [of October 3, 2006] and, based on Steve’ new amendments?

**Dennis Tenney:** So the motion is to suggest to the Planning Commission that they reconsider their decision based upon the incomplete or improper original motion [of October 3, 2006] that was made, as long as it is in a suggestion format. I’ll support that as a suggestion.

**Chris McCandless:** Roll Call Vote Please

**Mr. Cowdell- Yes, Mr. Smith- Yes, Mr. Anderson- Yes, Mr. Fairbanks- Yes, Mr. Tenney-Yes, Mr. McCandless – Yes**

**Chris McCandless:** Did you clarify Mr. Fairbanks’s vote? Did he say yes?

**Steve Fairbanks:** O.K.. I’ll go along.... “yes”.

**Scott Cowdell:** Mr. Chairman, let me get one more thing straight...

**Chris McCandless:** It’s a late night, you won the battle.

**Scott Cowdell:** Before when we have decided on a Planning Commission issue, such as overriding a Planning Commission decision, I can never remember it coming back out into the Council Meeting. Before, we decided in our Planning Meeting. In fact, more often than not, we denied them and went on about our way...because we figured they’ve erred. In fact, what I’ve understood it that we don’t even have to come from Planning to a hearing again if we decide, in the review, that they didn’t err . So, I’m confused at our procedure.

**Wally Miller:** I probably didn’t explain this well, but remember the basics, we don’t make decisions in the Planning Meeting. So we wouldn’t decide if it was an error or not because that’s the whole question on the appeal, did the Planning Commission err? We would make that decision in here [Council] and not there [Planning]. So what are we doing in Planning? What we’re doing in there is deciding are we just going to make our decision when we come into Council, here on the[Commission’s Administrative] record that we already have, or procedurally, are we going to open it up for a further hearing....

**Dennis Tenney:** Which we can do...

**Wally Miller:** And, you decide in there [Planning], procedurally, you can make that kind of a rough decision, how are we going to proceed, we decided, you decided, we are going to go ahead and open it up so that we can have a full hearing and discussion in here [Council].

**Scott Cowdell:** Well, this is different than I’ve ever seen.

**Wally Miller:** That’s where we are improving every time.

**Chris McCandless:** We get better and better with age.

**Scott Cowdell:** I didn’t know it was an improvement, but, it was different.

- b. **Bryant Anderson** stated that he was very excited about the new theater project. However, not having been involved in all of the discussions that have taken place, he would like a financial review of the project to make certain the project will be financially sound, along with an analysis on how the economics of this project will affect our community. He stated that he would like to review the numbers himself instead of basing his decision on "blind faith".

**Mayor Dolan** reported that Randy Sant has hired someone to do an economic impact study who will be meeting with Randy later this week.

**Bryant Anderson** stated that he does not want to be put in the position where we have a public presentation, not knowing whether it will work for the City.

**Mayor Dolan** stated that the process will begin next week. Up to this point, we have worked on getting things together.

At approximately 9:00 p.m., **Scott Cowdell** made the motion to adjourn City Council, motion was seconded by **Dennis Tenney**.

**The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.**

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**Chris McCandless**  
**Council Chairman**

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**Pam Lehman, Wendy Densley**  
**Council Office Manager, Council Office Executive Secretary**